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*Attorney for Defendants Caceis Bank Luxembourg and Caceis Bank*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC, and Bernard L. Madoff,

Plaintiff,

v.

CACEIS BANK LUXEMBOURG and  
CACEIS BANK,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 11-02758 (SMB)

**DEFENDANTS CACEIS BANK LUXEMBOURG'S AND CACEIS BANK'S  
DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Defendants Caceis Bank Luxembourg, now known as Caceis Bank Luxembourg Branch, and Caceis Bank (collectively “Caceis”), by their undersigned counsel, respectfully submit pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, this designation of additional items to be included in the record on appeal with respect to the Trustee’s appeal in the above-captioned adversary proceeding (the “Adversary Proceeding”) of the Court’s Final Order Granting Motion to Dismiss Complaint before the United States Court of Appeals for the Second Circuit.

**I. Designation of Additional Items to be Included in the Record on Appeal**

Pursuant to Federal Rule of Bankruptcy Procedure 8009(a)(2), Caceis hereby designates for inclusion in the record on appeal the following item:

**Designation No. 102:** Certificate of Direct Appeal to Court of Appeals by All Parties. Adv. Pro. No. 11-02758 (SMB) (Bankr. S.D.N.Y., filed on April 4, 2017), ECF No. 117.

Dated: April 11, 2016  
New York, New York

By: /s/ Daniel Schimmel  
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